

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Southern California Edison Company (U-338-E) for Authority to Lower and Adjust Retail Electric Rates for All Customer Classes Upon Completion of Full Recovery of Procurement Related Obligations Account.

Application 03-01-019  
(Filed January 17, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING  
ACCEPTING VISALIA SENIOR HOUSING INC.'S  
NOTICE OF INTENT TO CLAIM COMPENSATION**

Visalia Senior Housing, Inc. (VSH) moves to have its late-filed notice of intent (NOI) to claim compensation accepted, and requests a finding that it is a customer within the meaning of § 1802(b) and has met the significant financial hardship criteria of § 1804(a) 2(B), making it eligible for compensation.

Southern California Edison Company (SCE) protests VSH's motion on the grounds that VSH failed to file its notice of intent in a timely manner and that VSH is not a "customer" within the meaning of the statute.

This proceeding commenced on January 17, 2003. Prehearing conferences were held on March 21, 2003 and April 8, 2003. On July 10, 2003, the Commission issued Decision (D.) 03-07-029, adopting \$1.25 billion in rate reductions. On October 31, 2003, VSH filed a petition for modification of the decision, maintaining that it resulted in unintended rate increases for group living facilities on Californians for Renewable Energy, Inc. (CARE) rates. On August 19, 2004, the Commission, granting VSH's petition, issued D.04-08-045 modifying D.03-07-029 and requiring SCE to set rates of CARE-eligible non-profit group living facilities at levels no higher than they were paying prior to the settlement.

On September 17, 2004, nearly a year after VSH filed its petition to modify, and almost a month after D.04-08-045, VSH filed its notice of intent to seek compensation for work performed on the petition.

Public Utilities Code § 1804(a) states that a customer who intends to claim intervenor compensation must file notice of that fact within 30 days following the prehearing conference, with an exception: “In cases where the schedule would not reasonably allow parties to identify issues within the timeframe set forth above, or where new issues emerge subsequent to the time set for filing, the commission may determine an appropriate procedure for accepting a new or revised notices of intent.” (§ 804(a)(1). To implement that exception, Rule 76.74(b) of our Rules of Practice and Procedure states: “In cases where ... new issues emerge after the time set for filing, the administrative law judge may specify an appropriate procedure for accepting new or revised notices of intent.”

Research has not revealed any publication of the Commission that requires or even suggests that the NOI must be filed within 30 days after a party first intervenes with a petition to modify a decision. Given that this is petitioner’s first venture into the intervenor compensation maze, that its petition raised new issues, and that it prevailed, I will exercise my authority granted by Rule 76.74(b) and waive the time limit requirement.

In regard to VSH’s status, I find that it is a customer of SCE within the meaning of § 1802(b). It pays its electric bill to SCE. It has authorized Utility Cost Management LLC to represent it in this proceeding.

I have reviewed VSH’s motion for protective order and declaration of Paul Kerkorian accompanying the motion. I will grant the motion.

Now therefore, good cause appearing, I find that:

1. Visalia Senior Housing, Inc. (VSH) is a customer as defined in the Public Utilities Code.

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2. VSH meets the significant financial hardship criteria of § 1804(a) 2(B).
3. VSH is eligible for compensation in connection with

Application 03-01-019.

4. VSH's motion to file its financial data under seal is granted.

**IT IS SO RULED.**

Dated October 28, 2004, at San Francisco, California.

/s/ ROBERT BARNETT  
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Robert Barnett  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Accepting Visalia Senior Housing, Inc.'s Notice of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated October 28, 2004, at San Francisco, California.

/s/ ERLINDA PULMANO

Erlinda A. Pulmano

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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